

Element 209 is "an input and output cable," not a transmitter. (Armbruster, Figure 29, col. 35 line 14).

No second reference was used in this obviousness rejection. Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited features of the claims are found in the single patent to Armbruster. Since all the elements of the claim are not found in the cited reference, Applicant assumes that the Examiner is taking official notice of the missing elements and functions. Applicant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 706.02(j), Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite patents and references in support of his position.

Claims 4-15 are Patentable over Berkson/Armbruster Combination under §103

Claims 4-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berkson et al. (U.S. Patent No. 5,627,348) in view of Armbruster (U.S. Patent No. 3,376,551).

Claims 4-7 include "a transmitter located in the housing for transmitting electronic voice signals received by the microphone to the mobile personal digital assistant." The Office Action equates element 209 in Armbruster with a transmitter. (Office Action dated August 23, 2000, page 3, ¶3). Element 209 is "an input and output cable," not a transmitter. (Armbruster, Figure 29, col. 35 line 14). Berkson also does not teach or suggest a transmitter.

Claims 8-11 include "voice translation software." Applicant has carefully read Berkson and Armbruster and cannot find any teaching or suggestion of this element.

Claims 12-15 include "transmitting the voice signals from the hand-held stylus to the personal digital assistant; and translating the received input voice signals into computer readable data and storing the computer readable data in the personal digital assistant." Berkson does not teach or suggest voice signals. Armbruster does not teach or suggest a personal digital assistant. Armbruster teaches a miniature tape recorder inside a writing instrument that has tapes that "are taken out of the recorder and put into a device for interpreting." (Armbruster, col. 35, lines 23-45). The combination of Berkson/Armbruster is nothing like the claimed invention which does not require physically moving a tape. Alternately, Armbruster teaches "some direct output lines may be provided from the pen and carry along them the sound put into the microphone as well as

the wave formations generated by writing so that as a certain word is written, the interpretation of it is sounded, and such combined signals may be sent out at the same time or later to be generated on a combined sound and facsimile shaping equipment." (Armbruster, col. 8, lines 33-40). Adding a personal digital assistant from Berkson to Armbruster does not teach or suggest voice signals translated into computer readable data and stored in a personal digital assistant, as in the claimed invention. In Berkson/Armbruster, there is no translation into computer readable data. Also, the claimed invention involves only transmitting voice signals, not a combined written and sounded word.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 12 day of February, 2001.

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